

## REMARKS

Claims 1-4, 6-10, 13-19, 22-28, 31, 32, and 34-38 are pending in the application. Claims 1-4, 6-10, 13-19, 22-28, 31, 32, and 34-38 stand rejected. Claims 1-4, 6-10, 13-19, 22-28, 31, 32, and 34-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,311,180 to Fogarty in view of US Patent No. 6,975,619 to Byers, et al.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 2, 10, 13-14, 22, and 31-32 are amended. Claim 39 is added. Claims 1-4, 6-10, 13-19, 22-28, 31, 32, and 34-39 remain in the case for consideration.

### CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 1-4, 6-10, 13-19, 22-28, 31, 32, and 34-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,311,180 to Fogarty (“Fogarty”) in view of US Patent No. 6,975,619 to Byers, et al. (“Byers”). The applicant traverses the rejections.

Regarding claim 1, the claim refers to a directory entry stored in a first computer, location information for a second computer, and browser information for a browser stored on the second computer. The Office Action proposes that the target device 310 of Fogarty is equivalent to the recited first computer and acknowledges that Fogarty does not teach a second computer (*see* Office Action dated 13 April 2007, page 3). The Office Action then goes on to propose that Fogarty teaches the recited browser information for a browser stored on the second computer (*see id.*). The applicant does not see how Fogarty can teach browser information for a browser on a second computer when it does not teach a second computer in the first place. Further, Fogarty does teach that several devices including a desktop computer and a PDA can include a browser (*see* Fogarty column 2, lines 17-18 and 39), but Fogarty teaches that these devices are examples of display devices (*see* Fogarty column 1, lines 51-62), which the Office Action has already proposed are equivalent to the recited first computer. Thus, Fogarty only teaches a browser on a first computer, which is not equivalent to a browser stored on the second computer, as recited in the claim.

Also, Fogarty specifically teaches that it is concerned with location information for “the locale where the user lives” (*see* Fogarty column 7, line 63). In other words, Fogarty teaches, at best, location information for where the display device (the first computer, according to the Office Action) is located. However, the claim specifically refers to location information for the

location of the second computer, not the first computer. Therefore, even if Fogarty does teach location information for its display device, as the Office Action proposes, it still does not teach the claim features because the claim refers to the location of the second computer.

Claim 1 further refers to a ranker for ranking a plurality of languages based on a directory entry, location information, and browser information. Fogarty specifically refers to ranking a text portion of a web page based on a user profile (*see* Fogarty column 7, lines 55-60) and incrementing a language parameter based on “popular languages used in the locale where the user lives” (*see* Fogarty column 7, lines 63-66). So, at best, Fogarty is only teaching ranking based on two of the three features recited in the claim. There is no mention of any browser information being the basis for ranking any languages in Fogarty. Therefore, Fogarty does not teach the ranker as recited in the claim.

Claim 1 also refers to a selector for selecting one of the languages with a highest rank. Fogarty does not teach selecting any languages; it teaches ranking portions of content and incrementing a language parameter based on a percentage of a population in a particular locale (*see* Fogarty column 7, lines 55-66). This is made explicit in Fogarty at column 8, lines 41-46 where it states “[n]one of these processes actually removes any of the information from the application description file. Instead, the processes simply assign values of prioritization to the contents of the profile description files so that a decision can be made as to which contents are to be used, and in what forms the information should be displayed.” In other words, Fogarty ranks portions of content in order to determine which portions are to be displayed; it does not rank any languages or select any languages. Therefore, Fogarty does not teach the selector recited in the claim.

Finally, claim 1 refers to location information for a location of a second computer from which the first computer can be accessed. The Office Action acknowledges that Fogarty does not teach these features, but then proposes that the features are taught by Byers (*see* Office Action dated 13 April 2007, pages 3-4). The applicant respectfully disagrees that Byers teaches these features. Byers teaches a system for providing geographic location information for nodes across a network (*see* Byers Abstract). Specifically, Byers teaches that a requesting node can obtain associated geographic information from a target node by sending a request (*see* Byers column 4, lines 35-42). However, combining a target node and its associated geographic information from Byers with the system of Fogarty does not result in the claimed invention.

Further, Fogarty teaches away from the proposed combination. Specifically, the Examiner has already interpreted the target device 310 of Fogarty as equivalent to the recited first computer (*see* Office Action dated 13 April 2007, page 3) and the only location information that is relevant for the system of Fogarty is the location of the target device (*see* Fogarty column 7, lines 61-66). Thus, there is no reason to add a second computer and its associated geographic information from Byers to the system of Fogarty because Fogarty already has all of the geographic information it needs to format and send its web page to the target device (the first computer, according to the Office Action). Further, the proposed combination does not result in the claimed invention at least because the combination results in a target device and a second computer, each with its own associated geographic information, but there is no indication that the target device can be accessed by the second computer, as recited in the claim. Therefore, the combination with Byers does not remedy the deficiencies of Fogarty.

For at least the reasons described above, claim 1 is allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers, as the combination does not teach a browser stored on a second computer, a ranker for ranking languages based on browser information, a selector for selecting a language with a highest rank, or location information for a location of a second computer from which a first computer can be accessed. Dependent claims 2-4, 34, and 38 are likewise allowable.

Regarding claim 3, the claim recites “a container hierarchy, the container hierarchy including at least a first container, the first container including a second container, the second container including the directory entry.” The Office Action has already proposed that the target device 310 of Fogarty is equivalent to the recited first computer and that the user profile of Fogarty is equivalent to the recited directory entry (*see* Office Action dated 13 April 2007, page 3). Thus, in order to teach the features of claim 3, Fogarty must teach that its target device 310 includes a container hierarchy having a first container that includes a second container, and that the second container includes the user profile. Fogarty does not teach the container hierarchy as it does not teach any hierarchy of any type on its target device 310. The only mention of what information might be stored on the target device in Fogarty is at column 6, lines 7-9 where it states that “the viewing preference information [from the user profile] can be obtained from a database or directly from the [target] display device.” Thus, Fogarty does not teach that this user

information is included in a second container, within a first container, in a container hierarchy. Therefore, Fogarty does not teach a container hierarchy including first and second containers as recited in claim 3. Byers does not teach a container hierarchy or a directory entry in a container hierarchy, and thus does not remedy the deficiencies of Fogarty. For at least this additional reason, claim 3 is allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

Regarding claim 4, the claim recites “the directory entry can inherit the default language from the second container.” The only mention of any type of language being stored on the target device of Fogarty is at column 6, lines 3-7 where it states that the “user profile 414 may provide information about a locale in which the person lives, a minimum size of characters that the user is capable of reading, or a natural language the user can or cannot read.” Thus, even if the “natural language” taught in Fogarty were to be considered equivalent to the recited default language, it is not inherited from a second container; the natural language is stored directly in the user profile.

Fogarty does not teach that the user profile contains any other languages, and so the user profile of Fogarty could not be a second container from which a default language could be inherited. Further, Fogarty does not teach that the user profile is part of any hierarchy, so it could not teach that the user profile is a second container in a first container in a container hierarchy, as recited in the claim (including claim 3, from which claim 4 depends). The Examiner proposes that Fogarty teaches this feature because it teaches that “the default language, English, can be applied to users located in Texas, col. 7, line 60, through col. 8, line 4” (*see* Office Action dated 13 April 2007 page 3). However, the cited portion of Fogarty does not teach anything about the target device or the user profile (it refers to the locale specific language prioritization process) and it does not teach that English is the default language for users in Texas; it specifically refers to the use of Spanish in Texas. The remainder of the disclosure of Fogarty does not address a default language for any users or inheriting such a language. Therefore, neither the cited portion of Fogarty nor the remainder of its disclosure teaches the inheritance recited in the claim. Byers does not teach a container hierarchy with inheritance, and thus does not remedy the deficiency of Fogarty. For at least this additional reason, claim 4 is allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

Regarding claim 34, the claim recites “the identity information further includes a second language.” Using the equivalencies the Office Action has already proposed, to teach this feature, Fogarty would have to teach that its user profile includes a second language. The Office Action asserts that Fogarty teaches this feature because “natural languages that user can read are listed, col. 6, lines 1-8, where it would be necessary that since the languages is plural a second language would be present” (see Office Action dated 13 April 2007 page 8). However, the cited portion of Fogarty does not refer to plural languages; it specifically refers to a single language where it states that the “user profile 414 may provide information about a locale in which the person lives, a minimum size of characters that the user is capable of reading, or *a natural language* the user can or cannot read” (see Fogarty column 6, lines 4-7, emphasis added).

Since Fogarty does not teach explicitly that the user profile includes a second language, to support the rejection of this claim, a second language would have to be inherent in the teachings of Fogarty. “When relying on the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art” (see MPEP § 2112(IV), *citing Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter., 1990)). “Furthermore, the fact that a certain result may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic” (see MPEP § 2112(IV), *citing In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993)). The applicant submits that a user profile containing a natural language, as taught in Fogarty, does not necessarily include multiple languages. Many people throughout the world, and perhaps most people throughout the world, only speak a single language, so a user profile that includes their natural language would not include plural languages. This is also explicit in Fogarty at column 7, lines 55-60 where it states that the “user profile indicates languages that the user is capable of understanding.” Thus, if a user is only capable of understanding a single language, the user profile only includes a single language. Therefore, the user profile does not necessarily contain more than one language as the Examiner has argued. Byers does not teach a user profile at all, and so does not remedy the deficiency of Fogarty. For at least this additional reason, claim 34 is allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

Regarding claim 38, the claim refers to a first container including a second default language and the directory entry inheriting the second default language from the first container. The Office Action proposes that Fogarty teaches this feature because “Fogarty also teaches a second default language for different locations, col. 8, lines 1-8” (*see* Office Action dated 13 April 2007 page 9). However, the cited portion of Fogarty does not refer to the user profile; it refers to the locale specific language prioritization process. Thus, even if the cited portion of Fogarty did teach a second default language, it would not teach a second default language in the user profile, and so it could not be equivalent to the features of the claim. As described above with respect to claim 3, Fogarty does not teach a container hierarchy including first and second containers. As described above with respect to claim 4, Fogarty does not teach inheriting a language into its user profile. And, as described above with respect to claim 34, Fogarty does not teach a second language in its user profile. Therefore, Fogarty could not teach the features of claim 38.

The applicant would also like to point out that the cited portion of Fogarty does not refer to any “different locations” as the Office Action asserts. The cited portion of Fogarty refers only to Texas and the fact that both English and Spanish may be spoken there (*see* Fogarty column 7, line 61 through column 8, line 4). Byers does not teach a container hierarchy containing languages and so does not remedy the deficiencies of Fogarty. For at least this additional reason, claim 38 is allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

Regarding claims 6, 15, and 24, the claims refer to logging a user into a first computer from a second computer with login information. Although not specific, the Office Action appears to be taking the position that logging a user into a first computer is inherent in the teachings of Fogarty (*see* Office Action dated 13 April 2007 page 5). The applicant submits that a user logging into a first computer from a second computer is not inherent in the teachings of Fogarty, especially since, as acknowledged by the Office Action, Fogarty does not even teach a second computer (*see* Office Action dated 13 April 2007 page 3). Further, the teachings of Fogarty are expressly directed to display devices such as those incorporated in cell phones (*see* Fogarty column 4, lines 65-67) and there is no indication in Fogarty that a cell phone user needs to log in to the display device, let alone a second computer, to receive the display document. Finally, to support the rejections of the remaining features of these claims, the Office Action

proposes that the display device of Fogarty is equivalent to the recited first computer and that “numerous user profiles” are stored on the display device (*see* Office Action dated 13 April 2007 page 5). However, Fogarty actually teaches that the “series of user profiles” the Office Action appears to be referring to are actually stored in the “mapping system 306”, not the display device (*see* Fogarty column 4, lines 54-59 and FIG. 2). Thus, the display device of Fogarty is not equivalent to the recited first computer.

The claims also refer to first, second, and third languages, a browser, ranking the languages, and selecting a highest ranking language. As described above, with respect to claim 1, Fogarty does not teach these features and Byers does not remedy these deficiencies.

For at least these reasons, claims 6, 15, and 24 are allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers as the combination does not teach all of the features recited in the claims. Dependent claims 7-10, 13-14, 16-19, 22-23, 25-28, 31-32, and 35-37 are likewise allowable.

Regarding claims 9, 18, and 27, the claims refer to determining that no language is specified in the directory entry and inheriting the first language from a container of the directory entry. The Office Action proposes that Fogarty teaches these features because it teaches that “[for] users who do not indicate a language, a locale specific prioritization process compares the languages used for the text portion with the languages used in the locale where the user lives, and selects a corresponding language, col. 7, line 61 through col. 8, line 4” (*see* Office Action dated 13 April 2007 page 7). However, the applicant respectfully submits that Fogarty does not actually teach any of these things. Specifically, Fogarty does not teach a situation in which a user profile does not include an identifier for at least one language. In fact, Fogarty specifically states “[t]he user profile indicates languages that the user is capable of understanding and the user’s recommendation of preferred languages. Based on this information, the text portion is ranked by the LANGUAGE parameter” (*see* Fogarty column 7, lines 55-59). In other words, if there was no language identified in the user profile of Fogarty, it could not rank the text portion, as Fogarty specifically requires. Further, the system of Fogarty does not select any languages; it merely prioritizes content in a web page for display on a device (*see* Fogarty column 8, lines 41-46). Finally, Fogarty does not teach that its user profile is stored in a container, as described above with respect to claim 3. Byers does not teach a user profile, a container hierarchy, or

inheriting a language from a container, and so does not remedy these deficiencies of Fogarty. For at least these additional reasons, claims 9, 18, and 27 are allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

Regarding claims 13, 22, and 31, the claims refer to using only the preferred language to display content to the user. Fogarty does not teach using only a single language to display content to a user. Specifically, Fogarty teaches prioritizing content based in part on the different languages in the document (*see* Fogarty column 8, lines 5-8). The Office Action proposes that Fogarty teaches this feature because it teaches “outputting the document in a language the user can understand, col. 6, lines 5-10” (*see* Office Action dated 13 April 2007 page 8). However, even if the natural language identified in the user profile of Fogarty were considered to be equivalent to the recited preferred language, Fogarty does not display only the natural language; it uses the language prioritization process to decide which content (containing other languages) will be displayed based on the locale of the user (*see* Fogarty column 7, lines 61-66). Therefore, Fogarty does not teach displaying content to a user only in a preferred language as recited in the claims. Byers does not teach displaying content on a display device, and so does not remedy this deficiency of Fogarty. For at least this additional reason, claims 13, 22, and 31 are allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

Regarding claims 14, 23, and 32, the claims refer to sending the preferred language in a packet header from the first computer to a content provider. In making the rejections of these claims, the Office Action appears to be taking the position that since Fogarty teaches an internet connection, it necessarily teaches a packet header used to send information to a content provider (*see* Office Action dated 13 April 2007 page 8). However, even if sending a packet header containing information were considered inherent in the system of Fogarty, this does not meet the recited feature that the packet header includes a preferred language. For example, Fogarty specifically teaches that its mapping system may include a database of user profiles (*see* Fogarty column 4, lines 56-58), in which case the preferred language does not necessarily need to be sent in a packet header, because the mapping system already has the information. Therefore, the applicant respectfully submits that Fogarty does not teach sending a preferred language in a packet header as recited in the claims. Byers does not teach a preferred language in a packet

header, and so does not remedy this deficiency of Fogarty. For at least this additional reason, claims 14, 23, and 32 are allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

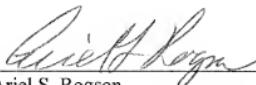
Regarding claims 35-37, the claims refer to determining a first language and a fourth language from the directory entry for the user. The Office Action proposes that Fogarty teaches this feature because it teaches “determining a first, second and third language from the profile of the user saved in the database, col. 7, line 50 through col. 8, line 8” (*see* Office Action dated 13 April 2007 page 8). The applicant respectfully disagrees that Fogarty teaches first, second, and third languages, as Fogarty only teaches languages that the user is capable of understanding. Further, even if Fogarty were considered to teach first, second, and third languages as the Office Action proposes, the claims specifically refer to a fourth language. The Office Action has not pointed to any portions of Fogarty that teach a fourth language and the applicant finds no such teachings.

The applicant would like to point out that Fogarty only explicitly teaches one language in the user profile: that is the natural language (*see* Fogarty column 6, lines 1-7). The “popular languages used in the locale where the user lives” referred to in Fogarty are not stored in the user profile (*see* Fogarty column 7, lines 61-66). Thus, Fogarty could not teach first, second, third, and fourth languages in its user profile as the Examiner suggests. Byers does not teach a user profile, and so does not remedy this deficiency of Fogarty. For at least these additional reasons, claims 35-37 are allowable under 35 U.S.C. § 103(a) over the combination of Fogarty and Byers.

For the foregoing reasons, reconsideration and allowance of the pending claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Ariel S. Rogson  
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97204  
503-222-3613  
**Customer No. 45842**